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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 GURMAIL SINGH,) CASE NO. C08-0741-RAJ
09)
09 Petitioner,)
10)
10 v.) REPORT AND RECOMMENDATION
11)
11 MICHAEL CHERTOFF, et al.,)
12)
12 Respondents.)
13 _____)

14 On May 12, 2008, petitioner Gurmail Singh, proceeding pro se, filed a Petition for Writ
15 of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S.
16 Immigration and Customs Enforcement (“ICE”). (Dkt. 1). On May 27, 2008, however,
17 respondents filed a Return Memorandum and Motion to Dismiss, indicating that on May 7, 2008,
18 ICE removed petitioner from the United States via commercial aircraft. (Dkt. 7). Respondent
19 asserts that because petitioner is no longer detained by ICE, his habeas petition should be
20 dismissed as moot. *Id.*

21 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of
22 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002).

01 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer
02 detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as moot.
03 *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the District Court
04 properly dismissed plaintiff’s claims that had become either moot or unripe). Accordingly, I
05 recommend that respondents’ motion to dismiss be granted, and that this action be dismissed with
06 prejudice. A proposed Order accompanies this Report and Recommendation.

07 DATED this 29th day of May, 2008.

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10 Mary Alice Theiler
11 United States Magistrate Judge
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